

Serial No.: 10/565,195
Docket No.: 102-1647T
Amendment After Final dated May 31, 2011
Reply to the Final Office Action of March 30, 2011

REMARKS

Introduction

Applicants note with appreciation the Examiner's indication that claims 1-17 have been allowed.

Upon entry of the foregoing amendment, claims 1-18 and 20 are pending in the application. Claim 18 has been amended. Claim 19 has been previously canceled without prejudice or disclaimer. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Entry of this Amendment After Final is proper under 37 C.F.R. §1.116 because the claim amendments: (a) place this application in condition for allowance (for the reasons discussed herein), (b) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution as indicated in the Final Office Action), (c) present the rejected claims in better form for consideration on appeal (should an appeal be necessary), and (d) are necessary and were not earlier presented because they are made in response to arguments raised in the Final Office Action.

Accordingly, for at least the reasons discussed above, entry of this Amendment is respectfully requested.

Rejection under 35 USC § 103

Claims 18 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,778,475 to Izumi et al. (hereinafter, "Izumi"). In view of the following remarks, reconsideration and allowance of these claims are earnestly solicited.

Referring to FIG. 14 of Izumi as relied upon by the Examiner, as well as col. 14, line 40 to col. 15, line 2, Izumi illustrates and describes a light reception area 410 having "four divisional light reception planes represented by symbols m, n, o and p," a light reception area 411 having "two divisional light reception planes represented by symbols q and r," and a light reception area 412 having "two divisional light reception planes represented by symbols s and t." Izumi

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illustrates and describes a light reception area 210 has "four divisional light reception planes represented by symbols a, b, c and d." Izumi illustrates and describes that a "light beam" of a "light spot 300" on a disc is "converged at the light reception area 410" to "form a detection light spot 310." Izumi illustrates and describes that a "light beam of the light spot 101 on the disc" is "converged" at the light reception area 411 to "form a detection light spot 311," and a "light beam of the light spot 102 on the disc" is "converged at the light reception area 412" to "form a detection light spots 311 and 312." That is, Izumi illustrates and describes a light reception area 410 having "four divisional light reception planes" and light reception areas 411 and 412 having "two divisional light reception planes" – not that a "first detector" is "divided into greater than four but no more than eight detecting regions" and a "second detector" is divided into "four detecting regions." Applicants submit that Izumi does not teach or suggest a "first detector" that is "divided" into "greater than four but no more than eight detecting regions."

Therefore, Izumi does not teach or disclose, among other things, that "the first detector is divided into greater than four but no more than eight detecting regions and the second detector is divided into four detecting regions" as presently recited in independent claim 18.

Since Izumi does not teach or disclose each of the features as recited in independent claim 18, claim 18 is patentably distinguishable and deemed to be allowable.

With regard to claim 20, it is requested that for at least the reasons that this claim depends from allowable independent claim 18, and therefore contains each of the features recited in claim 18, claim 20 is also patentably distinguishable and deemed to be allowable.

Accordingly, withdrawal of these rejection and allowance of these claims are earnestly solicited.

Examiner's Response to Arguments

In the Remarks above, Applicants address the Examiner's Response to Arguments recited on pages 4-5 of the Office Action, as well as the rejections recited on pages 2-4 of the Office Action. Reconsideration of these claims in view of the above Remarks is earnestly solicited.

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Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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